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Attorneys for the Defendant

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MURPHY C. GANT,	)	No. 2:05-CV-00920 WBS DAD
	)	
Plaintiff,	)	
	)	
v.	)	STIPULATION AND ORDER
	)	
JOHN E. POTTER, Postmaster	)	
General,	)	
	)	
Defendant.	)	

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The parties, through their counsel, stipulate that defendant may file an Amended Answer in the form of the accompanying proposed Amended Answer. Defendant is amending his Answer to assert the Fourth Affirmative Defense asserting laches. In view of the length of time between plaintiff's unsuccessful application for employment in 1990 and his initial contact of an equal employment opportunity counselor in 1994, laches is a possible defense. An employer may raise laches as a defense in a Title VII case. *National R.R. Passenger Corp. v. Morgan*, 536 U.S. 101, 121-22, 122 S.Ct. 2061, 2077 (2002). Leave to amend should freely be given. Fed. R. Civ. Proc. 15(a). In view of

1 the early stage of the litigation and plaintiff's consent, there  
2 is good cause for leave to amend.

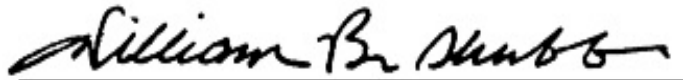
3  
4 Dated: August 10, 2005 McGREGOR W. SCOTT  
5 UNITED STATES ATTORNEY

6  
7 /s/Joseph E. Maloney  
8 JOSEPH E. MALONEY  
9 ASSISTANT UNITED STATES ATTORNEY

10 Dated: August 10, 2005 /s/Leo F. Donahue  
11 LEO F. DONAHUE  
12 ATTORNEY FOR PLAINTIFF

13 IT IS SO ORDERED.

14 Dated: August 10, 2005

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16 WILLIAM B. SHUBB  
17 UNITED STATES DISTRICT JUDGE  
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